

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MEKEITYA MILINER,)	JURY TRIAL DEMANDED
Plaintiff,)	
)	
v.)	Case No.
)	
RESURGENT CAPITAL SERVICES, L.P.,)	
Defendant.)	
)	
)	

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, Plaintiff, Mekeitya Miliner, by and through undersigned counsel in the above styled cause, and for Plaintiff’s Complaint against the Defendant, Resurgent Capital Service, L.P., states as follows:

1. This is an action for actual and statutory damages brought by Mekeitya Miliner (hereinafter “Plaintiff”), an individual consumer, against Resurgent Capital Service, L.P., (hereinafter “Defendant”), for violations of the Fair Debt Collection Practices Act, 15 U.S.C §1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

I. JURISDICTION AND VENUE

2. Personal jurisdiction exists over Defendant, Resurgent Capital Service, L.P. as the Defendant has the necessary minimum contacts with the State of Alabama and this

suit arises out of Defendant's specific conduct with Plaintiff in Alabama. All the actions described in this suit occurred in Tallassee, Alabama.

3. Venue is proper as Defendant, does business in this judicial district.

II. PARTIES

4. Plaintiff, Mekeitya Miliner, is a natural person residing in Tallassee, Alabama. For the purposes of the claims asserted herein, Plaintiff is, and at all relevant times was, a "consumer" as explicitly defined by the Fair Debt Collection Practices Act (FDCPA), pursuant to 15 U.S.C. § 1692a(3).
5. Defendant, Resurgent Capital Services, L.P., is a corporation with its principal place of business located in Greenville, South Carolina. Defendant's principal business purpose is the collection of defaulted debts, and uses various instruments of interstate commerce to accomplish debt collection, including sending letters, calling on the phone, text messaging, emailing, credit reporting, filing of lawsuits, etc. For the purposes of this action, Defendant is classified as a "debt collector" under the provisions of the FDCPA, specifically 15 U.S.C. § 1692a(6).

III. FACTS OF THE COMPLAINT

6. Plaintiff allegedly incurred a financial obligation that was primarily for personal, family, or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. § 1692a(5).
7. Defendant is considered a "debt collector" and began engaging in debt collection activities against Plaintiff.

8. According to 15 U.S.C. § 1692c(c) if a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt.
9. On or about March 14, 2025, Plaintiff began receiving unsolicited emails from the Defendant in connection with an alleged debt owed to LVNV Funding, LLC.
10. This communication was the initial contact regarding the alleged debt.
11. On or about March 16, 2025, Plaintiff responded to Defendant's email, explicitly stating, "I'm not working therefore I'm not giving you any of my earnings." Plaintiff explicitly communicated to Defendant regarding the alleged debt.
12. Rather than complying with its legal obligation to cease communication on April 16, 2025, April 19, 2025, and April 29, 2025, Defendant willfully disregarded Plaintiff's rights and continued email communications with Plaintiff about the alleged debt, which was a violation of 15 U.S.C. § 1692c(c).
13. Plaintiff clearly instructed Defendant of her refusal to pay and request to cease communication regarding the alleged debt (other than the 3 exceptions, not applicable), Defendant had no right to continue to communicate with Plaintiff, but Defendant continued to do so in violations of the FDCPA.
14. Defendant's actions were undertaken with knowledge of Plaintiff's refusal to pay and were intended to coerce and pressure Plaintiff into making payments.

15. Immediately after receiving Defendant's unwanted emails, Plaintiff experienced emotional distress, which led to anger, anxiety, frustration, and loss of sleep, which negatively impacted her daily performance and appetite. Additionally, Plaintiff suffered an invasion of privacy and intrusion upon seclusion. These injuries are ongoing.

IV. FIRST CLAIM FOR RELIEF
(Defendant, RESURGENT CAPITAL SERVICES, L.P.)
15 U.S.C. § 1692c(c)

16. Plaintiff re-alleges and reincorporates all previous paragraphs as fully set out herein.

17. Defendant violated the FDCPA.

18. Defendant violated 15 U.S.C. § 1692c(c) of the FDCPA by communicating with Plaintiff after Plaintiff notified Defendant in writing that Plaintiff refused to pay.

19. The acts and omissions of the Defendant and its agents constitute numerous and multiple violations of the FDCPA (and Regulation F) with respect to Plaintiff, including but not limited to, violations 1692c, 1692c(c), 1692d, 1692e, 1692f, and 1692f(1) along with Regulation F related to these sections and communications between debt collectors, such as Defendant and consumers, such as Plaintiff.

20. As a result of the violation, Defendant is liable to Plaintiff for actual damages, statutory damages, attorney fees, and costs.

V. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the

Defendant for all damages allowable, costs, expenses, attorney fees, injunctive relief to prevent further violations, and for such other and further relief as may be just and proper.

Respectfully submitted this the 20th day of June 2025.

/s/ Noelle Sillmon
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